IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11116 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHAVANABEN THAKOREBHAI PATEL

Versus

ADDITIONAL POLICE COMMISSIONER(ADMINISTRATION)

Appearance:

1. Special Civil Application No. 11116 of 2004

MR RR MARSHALL for Petitioner No. 1

MR NAGESH SOOD AGP for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE M.S.SHAH

Date of decision: 04/11/2004

ORAL JUDGEMENT

Leave to add the Gujarat Subordinate Staff Selection Board as respondent No.4. Rule returnable today. At the suggestion of the Court, Mr Sood, learned

AGP appearing before this Court waives service of rule for the newly added party as well as for the other respondents.

2. The petitioner herein made an application for compassionate appointment after the death of her husband on 2.9.2000. Although the application for compassionate appointment is still pending with the respondents for consideration, Mr Marshall, learned counsel for the petitioner submits that the petitioner's application is not likely to receive a favourable response because in a similar matter, the respondents have rejected the application of the widow for compassionate appointment on the ground that the it was made after six months from the date of death of the husband of the concerned applicant. Mr Marshall states that the present petitioner is similarly situate as the petitioner in Special Civil Application No.11670 of 2004 and that the present petitioner had also approached the office of respondent No.2- Police Commissioner within three months from the date of her husband's death for compassionate appointment. However, a clerk in the said office informed the petitioner that first the petitioner's family pension would be fixed and thereafter the application for compassionate appointment with all details of income should be submitted. The petitioner's pension was fixed on 8.8.2001 and, therefore, the application for compassionate appointment with all such details about income including pension was submitted after six months from the date of death of the petitioner's husband.

3. In similar matter i.e. Special Civil Application No.11670 of 2004, this Court has examined the matter and directed the respondents to consider the petitioner's application for compassionate appointment on merits and not to reject the same on the ground that it was made beyond the period of six months.

4. For the reasons recorded in the said petition, this petition also deserves to be allowed and the same is allowed, and the respondents are directed to consider the petitioner's application for compassionate appointment on merits without raising an objection that the application was not made within the period of six months.

5. Rule is made absolute to the aforesaid extent only with no order as to costs.

Direct service is permitted.

(M.S. SHAH, J.)

zgs/-